

REMARKS

Claims 1-9, 11-17, 19-23, 26-37, 40-56 and 59-102 are pending in this application.

By this Amendment, claims 14, 16, 22, 31, 32, 34, 46, 49, 55, 65, 66, 82 and 83 are amended, and claims 100-102 are added. The amendments and added claims introduce no new matter.

Claims 18, 24, 38 and 57 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, objects to claims 14, 24, 31, 38, 46, 57, 65 and 82 as being in improper dependent form. Claims 14, 31, 46, 65 and 82 are amended, and claims 24, 38 and 57 are canceled, to obviate the objection. Withdrawal of the objection to claims 14, 31, 46, 65 and 82 is respectfully requested.

The Office Action, on page 2, rejects claims 1-9, 13, 14, 16-20, 22-24, 26, 27, 30, 31, 33-38, 40-42, 45, 46, 49-53, 55-57, 59-61, 64, 65, 68-72, 74-78, 81 and 82 under 35 U.S.C. §102(b) as being anticipated by JP-U-63-017031 (hereinafter "JP '031"). The Office Action, on page 3, rejects claims 11, 12, 15, 21, 28, 29, 32, 43, 44, 47, 48, 54, 62, 63, 66, 67, 73, 79, 80 and 83-99 under 35 U.S.C. §103(a) as being unpatentable over JP '031 in view of U.S. Patent No. 5,992,427 to Playe. These rejections are respectfully traversed.

Claims 1 and 68 recite, among other features, an applicator member secured to the housing. At least this feature cannot reasonably be considered to be taught, or to have been suggested, by JP '031.

JP '031 teaches an applicator member (5C) depicted in Fig. 1. JP '031 teaches, however, that this applicator member is housed in the housing rather than secured to the housing. There is no teaching in JP '031 that an applicator member is in any way secured to the housing. In order for a user to use the applicator member (5C) disclosed in JP '031, it is necessary that the applicator member be removed from the housing.

Claims 16, 34 and 49 recite, among other features, a device comprising at least three containers. Contrary to the assertions made in the Office Action, JP '031 cannot reasonably be considered to teach, or even to have suggested, at least this feature of the pending claims.

In all embodiments depicted in the drawings of JP '031, the depicted device consists of two containers. With specific reference to, for example, Fig. 17 of JP '031 a bottom of the bottom container (2A) is depicted. Different from the top container in JP '031, the bottom side of the bottom container (2A) is devoid of any slots into which any fixing means may be introduced. As such, JP '031 appears to contemplate no means for fixing a third container below the depicted bottom container (2A). Further, with specific reference to Fig. 1 of JP '031, the top side lid (3) of the depicted device is also devoid of any fixing means enabling any third container, for example, to be fixed to the top side of the lid. For at least these reasons, it is unreasonable to assert that JP '031 teaches, or even would have suggested, a device comprising at least three containers.

Further, claim 16 further recites, among other features, wherein at least a first one of the at least three containers comprises a lid connected via at least one of the at least two hinges to the first container, and wherein a second one of the at least three containers is fixed on said lid. Again, with reference to the figures of JP '031, all of the embodiments depicted appear to disclose a device comprising a single lid (3) surmounting two containers (2, 2A). There is no intermediate lid between the containers (2) and (2A) of the device of JP '031. It is, therefore, unreasonable to assert that JP '031 may reasonably be considered to teach, or to have suggested, that at least one of the containers comprises a lid on which another container is fixed.

Claim 34 further recites, among other features, wherein at least one hinge is a film hinge made by integrally molding a plastic material with at least one of the containers. Again, with reference to the figures of JP '031, all of the embodiments depicted include

hinges constituted by fixing means (8) for being introduced into slots (12). For at least this reason, JP '031 cannot reasonably be considered to teach, or to have suggested, a feature of at least one hinge made by molding a plastic material with at least one of the containers.

Claim 49 further recites, among other features, wherein two consecutive containers comprise grip tabs which are diametrically opposite a hinge and which are positioned side by side when the two corresponding containers are stacked. According to paragraph [0057] of Applicant's disclosure, such grip tabs enable a device to be easily opened by a user. JP '031 does not disclose any grip tab. Based on the drawings, JP '031 enables the device to be opened by recesses (11). These recesses cannot reasonably be considered to teach, or even to have suggested, at least the features of the grip tabs with all the positively recited claimed features of independent claim 49.

Claim 85 recites, among other features, a closure cap configured to be removably fixed to the receptacle body. The Office Action concedes that JP '031 fails to teach a closure cap with the features positively recited in claim 85. As was discussed above with respect to the rejections of claims 16, 34 and 49, a bottom view of the JP '031 device shown in Fig. 17 does not suggest a receptacle body to be removably fixed to the bottom of the container. Playe does not remedy the shortfall in the application of JP '031 in the manner suggested by the Office Action for at least the following reasons.

First, the embodiment shown in Fig. 3 of Playe teaches a support separate from a lid and positioned on said lid (see also col. 4, lines 7-9). The support of this embodiment is thus not a closure cap and is further not fixed to the container. The embodiment shown in Fig. 4 of Playe discloses a support, a lid and a container molded together so as to form only a single part (see also col. 4, lines 10-13). The support of this embodiment is thus not removably fixed to the container. For at least these reasons, any combination of Playe with JP '031

cannot reasonably be considered to suggest all of the features of the closure cap as positively recited in claim 85.

For at least the above reasons, the applied references cannot reasonably be considered to teach, or to have suggested, all of the combinations of features positively recited in at least independent claims 1, 16, 34, 49, 68 and 85. Additionally, claims 2-9, 11-15, 17, 19-23, 26-33, 35-37, 40-48, 50-56, 59-67, 69-84 and 86-99 are also neither taught, nor would they have been suggested, by the applied references for at least the respective dependence of these claims directly or indirectly on allowable independent claims 1, 16, 34, 49, 68 and 85, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-9, 11-17, 19-23, 26-37, 40-56 and 59-99 under 35 U.S.C. §102(b) as being anticipated by JP '031, or under 35 U.S.C. §103(a) as being unpatentable over JP '031 in view of Playe are respectfully requested.

Claims 100-102 depend respectively on allowable base claims as well and are, therefore, patentable to the same extent as the base claims as well as for the separately patentable subject matter that each of these claims recites

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9, 11-17, 19-23, 26-37, 40-56 and 59-102 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

James E. Golladay, II
Registration No. Reg. No. 58,182

WPB:DAT/jth

Attachment:

Petition for One-Month Extension of Time

Date: July 9, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461 |
|--|